

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: BLUEBERRY ESTATES SHORT PLAT

Case Number: PLD2006-00040; SEP2006-00081; EVR2006-00044;

Location: 30813 NW 51st Avenue

Request: Divide 15.5 acre parcel into three five acre parcels in the R-5 zone

Applicant: Terri Wollam, Jr.
2721 NW 140th Street
Vancouver, WA 98685
(360) 798-5820

Contact: David Rosenberger, Project Planner
Minister and Glaeser Surveying, Inc.
2200 E Evergreen Blvd
Vancouver, WA 98661

Property Owner: Same as applicant

DECISION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** 9/20/06

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Jose Alvarez	4898	Jose.Alvarez@clark.wa.gov
Engineer:	Ken Burgstahler	4347	Ken.burgstahler@clark.wa.gov
Wetland Biologist:	Brent Davis	4152	Brent.davis@clark.wa.gov
Habitat	Dave Howe	4598	David.howe@clark.wa.gov

Biologist:			
Fire Marshal Office	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: R-5

Parcel Number(s): 211010-000

Applicable Laws:

Clark County Code: Title 15 (Fire Prevention), Section 40.210.020 (Rural Residential Zoning District), Section 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.380 (Storm Water Drainage and Erosion Control), Section 40.410 (Critical Aquifer Recharge Area), Section 40.540 (Land Division Ordinance), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), and the Clark County Comprehensive Plan.

Neighborhood Association/Contact:

Ridgefield Junction Neighborhood Association

Lee Wells, President
1288 S 45 Avenue
Ridgefield, WA 98642
887-8505 (Fax: 887-5596)

Enterprise/Paradise Point Neighborhood Association

Susan Gilbert, President
2600 NW 329 Street
Ridgefield, WA 98642
887-2600
E-mail: sag2600@yahoo.com

Time Limits:

The application was determined to be fully complete on April 20, 2006. However the applicant requested a hold on the project on June 26, 2006. The hold was lifted on September 11, 2006. Therefore, the County Code requirement for issuing a decision within 78 days lapses on September 22, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on November 3, 2006.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on December 15, 2005. The pre-application was determined to be contingently vested as of November 23, 2005.

The fully complete application was submitted on March 31, 2006 and determined to be fully complete on April, 2006. Given these facts the application is vested on November 23, 2005.

There are not any disputes regarding vesting.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant and property owners within 500(rural) feet of the site on May 4, 2006. Notice of the likely SEPA Determination was published in the "Columbian" Newspaper on May 4, 2006.

Public Comments:

Department of Ecology, commented on the potential impacts of water quality. See finding #1 of the Critical Areas.

Project Overview

The site is located approximately one and a half miles north of Ridgefield, between NW 319th St and 289th St and along NW 51st Ave. The site slopes downward to the east to Allen Canyon creek. The creek flows southeasterly through the eastern third of the property.

The site consists of a single family home with a shop building and two sheds. The site contains 15.55 acres and is in the Rural residential 5 acre minimum zone and is served by private well and an individual septic system. The site is within the Ridgefield School district and Fire District 12. The applicant is proposing to divide the site into three five acre lots.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	R-5	R-5	Large lot residential
North	R-5	R-5, R-10	Large lot residential
East	R-5	R-10	Large lot residential
South	R-5	R-5	Large lot residential
West	R-5	R-5	Large lot residential

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – There appears to be a fence encroachment along the north property lines. Evidence shall be submitted demonstrating resolution regarding ownership of the narrow strip of land between established fence lines and actual property lines along the north boundaries. (See condition # D-13)

Finding 2 - The northern property line for lot 1 is considered a “street side” lot line and requires a 25 ft setback. However, since there is a proposed road easement along the northern property line, the 25 ft setback will be measured from the edge of the easement. (The shed in its current location would not be able to meet the setback requirements because it is in the easement. Therefore, it either needs to be removed or relocated). (See condition # D-15)

CRITICAL AREAS:

Water Quality

Finding 1 - The Department of Ecology has submitted comments relating to the potential impacts to water quality. There are existing ordinances in place to mitigate for those potential impacts.

Archeological

Finding 2 - An archeological predetermination was triggered because of the required SEPA review. A field inspection was conducted on January 24, 2006. The Archeological predetermination report indicates that no cultural resources were discovered during either the surface or subsurface portions of the predetermination survey. No further archeological work is needed.

Habitat Conservation

Finding 3 - According to the GIS mapping indicators and the site plan, there is riparian habitat on the property. The riparian designation exists because Allen Canyon Creek flows through the property. Allen Canyon Creek is mapped by the Department of Natural Resources (DNR) as a type 3 watercourse in this area. A DNR type 3 watercourse requires a 200-foot riparian Habitat Conservation Zone (HCZ). The riparian HCZ extends horizontally outward from the ordinary high water mark 200', or to the edge of the 100-year floodplain, whichever is greater. The former of these two measurements defines the jurisdictional extent of the riparian HCZ on the site.

The applicant has proposed building envelopes that are outside of the riparian HCZ on the site. Hence, the proposed building envelopes comply with the exemption criterion identified in CCC Table 40.440.010-1, row 2 of the Habitat Conservation Ordinance. (See condition # D-13).

TRANSPORTATION:

Circulation Plan

Finding 1 – Since frontage improvements will not be required for this development, a circulation plan would not be required per CCC 40.350.030(B)(2)(2)(a).

Roads

Finding 2 – CCC 40.350.030(B)(6)(b)(1) & (2) requires that offsite access roads shall have an unobstructed and paved roadway width of 20 feet, except in those cases where the preexisting road is 18 feet wide, with one-foot shoulders, additional widening is not required. The preliminary plat submitted for this review indicates that NW 51st Avenue, providing access to this site, meets this standard. This document was signed and stamped by Kevin Bethje, a Professional Land Surveyor licensed in the State of Washington. Therefore, staff finds that this requirement is satisfied.

Finding 3 – NW 51st Avenue, fronting the project, is classified as a Rural Minor Collector in this area. CCC 40.350.030(B)(5)(a)(1) says that the right-of-way width shall be a minimum of one-half of that specified in Tables 40.350.030-2 through 40.350.030-6. Table 40.350.030-3 of the Transportation Standards calls for a minimum right-of-way width of 60 feet for this classification of road. Therefore, the applicant must dedicate

sufficient right-of-way to obtain a minimum half-width right-of-way of 30 feet along the entire frontage of this plat. (See Condition # D-1)

Access

Finding 4 – The existing residence on Lot 1 is to continue to utilize the existing driveway for access to NW 51st Avenue. Staff has been advised by Rich Lowry of the Clark County Prosecuting Attorney's Office that the county cannot require an existing driveway to meet the Transportation Standards if it continues to provide access to the same number of residences. This is because the driveway is a preexisting condition whose substandard nature would not be exacerbated by this short plat approval. Staff has also been advised that a Road Modification is not required for relief from these requirements. Therefore, Lot 1 shall not be permitted to utilize the proposed joint driveway serving Lot 2 & 3 for access. This lot shall be permitted access to NW 51st Avenue via the existing driveway only. This shall be noted on the final plat. (See Condition # D-8-b)

Finding 5 – The applicant proposes a joint driveway along the north line of lot 1 and 2 to provide access to Lots 2 & 3. CCC 40.350.030(B)(11) says that a maximum of three legal lots may use a joint driveway to access a public or private road. A note shall be placed on the final plat saying that only Lots 2 & 3 of this plat may utilize the proposed joint driveway to access NW 51st Avenue. (See Condition # D-8-c)

Finding 6 – In order to insure, that sight distance requirements are satisfied, insure that access is available to all lots and not place an undue burden on the future lot owners, the joint driveway shall be constructed to the point where it accesses Lot 3 prior to final plat. This driveway shall be a minimum 12 feet wide all-weather driving surface with an overhead clearance of 13 feet 6 inches to comply with CCC 40.350.030(B)(4)(b)(2). This driveway must be paved from the edge of NW 51st Avenue to the right-of-way or to 20 feet from the edge, whichever is greater, to comply with CCC 40.350.030(B)(7)(c). (See Condition # D-2)

Finding 7 – In compliance with CCC 40.350.030(B)(4)(b)(3), the joint driveway must have an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. The turnaround at the terminus may be constructed with the residence on Lot 3. This shall be noted on the final plat. The turnouts must be constructed with the joint driveway construction prior to final plat. (See Conditions # D-2, D-8-d & F-1-a)

Finding 8 – The minimum joint driveway easement width is 20 feet, according to CCC 40.350.030(B)(4)(b)(2). This easement shall be widened as necessary to include the required turnouts. (See Condition # D-3)

Finding 9 – There is an existing shed that encroaches onto the 20-foot wide joint driveway easement. This shed must be removed or relocated out of the easement prior to final plat. (See Condition # D-4)

Finding 10 – The new joint driveway accesses NW 51st Avenue. Originally, the applicant proposed utilizing the existing driveway serving the adjacent parcel to the north, Parcel No 211032-000. Utilizing this access satisfied the driveway spacing requirements, but could not meet the sight distance standards. The applicant revised the plan, and now proposes accessing NW 51st Avenue via a new driveway near the north line of the site. This access does not meet the driveway spacing requirements onto a collector. The applicant utilized the Road Modification (EVR2006-00044) to obtain relief from this requirement. See the Road Modification section below.

Sight Distance

Finding 11 – As stated in Transportation Finding # 4 above, the existing residence on Lot 1 is to continue to utilize the existing driveway for access to NW 51st Avenue. Because this driveway is a preexisting condition whose substandard nature would be exacerbated by approval of this short plat, it is exempt from the sight distance requirements per advice from the Clark County Prosecuting Attorney's office.

Finding 12 – The new joint driveway accesses NW 51st Avenue. Originally, the applicant proposed utilizing the existing driveway serving the adjacent parcel to the north, Parcel No 211032-000. Utilizing this access satisfied the driveway spacing requirements, but could not meet the sight distance standards. The applicant revised the plan, and now proposes accessing NW 51st Avenue via a new driveway near the north line of the site. While improving the sight distance, the standard is still not met. The applicant utilized the Road Modification (EVR2006-00044) to obtain relief from this requirement. See the Road Modification section below.

Road Modifications

Road Modification 1:

Finding 13 – Applicant's Request:

There is no posted speed limit on NW 51st Avenue, so it is 50 MPH per CCC 40.350.030(B)(8)(a) and RCW 46.61.415. Therefore, the minimum sight distance on NW 51st Avenue is 500 feet in both directions from the new driveway, per Table 40.350.030-11 of the Transportation Standards. This is to be measured from an eye height of 3.5 feet above the controlled road, at least 15 feet from the edge of the vehicle travel lane of the uncontrolled public road to an object height of 4.25 feet on the uncontrolled public road, in accordance with CCC 40.350.030(B)(8)(b). Sight distance was measured at the proposed intersection by Howard Stein, an engineer licensed in the State of Washington. Mr. Stein determined that sight distance to the north from the proposed driveway is 410 feet (with the removal of vegetation), and sight distance to the south is 475 feet. Neither of these distances meets the standard.

The applicant contends that this modification is justified by criterion (i) *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available*, and (iii) *An alternative design is proposed which will provide a plan equal to or superior to these standards*. The applicant performed a speed study in support of this application. The results of this

survey found that the 85th percentile speed is 45.2 MPH for northbound vehicles and 41 MPH for southbound vehicles. If one assumes that the necessary sight distance is 10 times the 85th percentile speed, 452 feet of sight distance is needed to the south and 410 feet is needed to the north. As stated above, this sight distance is available.

Finding 14 – Staff Evaluation and Recommendation: Engineering Services staff has reviewed this modification request and agrees that, given the measured 85th percentile speed, adequate sight distance is available at the proposed driveway intersection. Therefore, staff recommends **approval** of this modification request, allowing a reduction of the sight distance requirements on NW 51st Avenue at the proposed driveway access, **subject to** the following condition:

The applicant shall submit documentation, signed and stamped by an engineer licensed in the State of Washington, indicating that sufficient vegetation has been removed, and the available sight distance on NW 51st Avenue from the proposed driveway location is 410 feet to the north and 475 feet to the south. (See Condition # D-5)

Road Modification 2:

Finding 15 – Applicant's Request:

As stated above, the applicant initially proposed to access NW 51st Avenue via an existing driveway serving the adjacent parcel to the north, but found that adequate sight distance was not available at this location. They now propose accessing NW 51st Avenue via a new driveway near the north line of this development. This access exceeds the intersection off-set requirements from NW 309th Street, the private road across the street, per CCC 40.350.030(B)(7)(a). In addition, it does not meet the driveway spacing requirements in Table 40.350.030-7 of the Transportation Standards.

The applicant contends that this modification is justified by criterion (i) *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available*, and (iii) *An alternative design is proposed which will provide a plan equal to or superior to these standards*. The original driveway location was directly across from NW 309th Street, and met the driveway spacing requirements. However, inadequate sight distance was available from this location, so the applicant proposed to construct this new driveway at a location that improves sight distance.

Finding 16 – Staff Evaluation and Recommendation: Engineering Services staff has reviewed this modification request, and agrees that the improved sight distance at this location negates the driveway spacing and intersection offset concerns. Therefore, staff recommends **approval** of this modification request, allowing the proposed access onto NW 51st Avenue, relieving the applicant from the intersection offset requirements of CCC 40.350.030(B)(7), and the driveway spacing requirements in Table 40.350.030-7 of the Transportation Standards.

Conclusion (Transportation):

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to the conditions below, meets the requirements of the county transportation ordinance.

Stormwater and Erosion Control:

Finding 1 - Applicability:

Stormwater and Erosion Control Ordinance CCC 40.380 applies to each of the following development or redevelopment activities that:

- a. Results in 5,000 square feet or more of new impervious area within the rural area
- b. Results in 2,000 square feet or more of new impervious area within the urban area
- c. The addition or replacement of more than 1,000 square feet of impervious surface for any of the development activities or redevelopment listed in Sections 40.380.040(B)(7)(a) and 40.380.040(B)(7)(b), building areas excluded
- d. The platting of single-family residential subdivisions in an urban area
- e. If redevelopment results in 5,000 square feet or more of replaced impervious surface, then the provisions of Section 40.380.040(B)(3) apply.
- f. Drainage projects
- g. All land disturbing activities except those exempted in Section 40.380.030(A).

CCC 40.380.040(A)(6) exempts the construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area from Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). Therefore, the homes and their normal appurtenances are not subject to these sections of the Stormwater and Erosion Control Ordinance. This project is still subject to the Erosion Control portions of this ordinance.

Finding 2 - Stormwater Proposal:

The applicant has not submitted a stormwater proposal.

Finding 3 – Site Conditions and Stormwater Issues:

A culvert may be required under the proposed joint driveway adjacent to NW 51st Avenue. Documentation is required, signed and stamped by an engineer licensed in the State of Washington, indicating that either a culvert is not required, or sizing calculations for the culvert. The culvert must be sized to provide ultimate buildout of the upstream area in compliance with CCC 40.380.060(C)(2)(i)(6)(d) and pass the 100 year storm per CCC 40.380.040(C)(3)(a). If a culvert is necessary, it must be installed with the construction of the driveway. (See Condition # D-2)

Finding 4 – Erosion Control

An erosion control plan for the development shall be submitted in compliance with Section 40.380.060(E). The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Conditions # A-1, B-2, B-3 & D-7-b)

Conclusion:

Based upon the development site characteristics, and the requirements of the County's stormwater ordinance, staff concludes that the requirements of the preliminary plan review criteria are satisfied.

Geologic Hazard Area:

Finding 1 – Applicability:

According to CCC 40.430.010(B)(1), all non-exempted development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of the Geologic Hazard Ordinance CCC 40.430. The easterly portion of this site is mapped with steep, unstable slopes. Therefore, this site is subject to the Geologic Hazard Ordinance.

Finding 2 – Site Conditions and Geologic Hazard Issues:

A building setback line will be required on the plat to protect various environmental constraints, including geologic hazards. Per CCC 40.430.020(D)(2)(b)(1), the required slope buffer is 40 feet. The setback shall be eight feet beyond the buffer, according to CCC 40.430.020(D)(2)(b)(3). Therefore, the building setback line shall be a minimum of 48 feet from the top of bank. This line shall be shown and dimensioned on the final plat. (See Conditions # D-6 & D-8-e)

FIRE PROTECTION:

Fire Protection Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Fire Protection Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Condition # E-2-a).

Fire Protection Finding 3 – Fire Flow

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from GIS indicates that the required fire flow is not currently available within 1000 ft of the property line. Fire hydrants will not be

required. Alternative construction methods shall be used to meet fire flow, this may include 30 foot setbacks and a class "A" or better rated roof. (See Condition # A-3-a).

Fire Protection Finding 4 - Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (See Condition # A-3-b, C-1-a, D-11-a).

Fire Protection Finding 5 - Fire Apparatus Turnarounds

Private driveways shall meet the requirements of the Clark County Road Standard. All new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus and at intervals five hundred (500) feet or less, such that no portion of the road or driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See condition # A-3-c, C-1-b, D-11-b)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding #1 - The use of water wells and septic systems are proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and determined that existing wells or septic systems are located on the site. The letter also confirms that the proposed wells and/or septic systems are feasible, subject to conditions of approval.

Finding #2 – The applicant is proposing using the existing well as a small public water supply (SPWS) to serve the land division. Prior to final plat approval, the SPWS must be approved to serve each of the proposed three parcels or new wells must be drilled so that each lot has a well with a satisfactory water availability verification evaluation (WAVE) (See condition # D-10-i).

Finding #3 - Where use of wells or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording (See condition # D-9).

Finding #4 – There is an existing on-site sewage system serving the mobile home on lot 1. According to the as built information, the drainfield for this system is located approximately 600 feet east of the well location which would place it somewhere on the proposed lot 3. The drainfield will have to be replaced by an approved system located on the proposed lot 1 prior to final plat approval. (See condition # D-10-j)

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding #1 - The site is within the Ridgefield School District boundaries and will be subject to school impact fees at the time of building permit issuance. (See condition D-8-I & E-1)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- DS = Determination of Significance **(The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- MDNS = Mitigated Determination of Non-Significance **(The impacts can be addressed through conditions of approval); or,**
- DNS = Determination of Non-Significance **(The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on May 4, 2006 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$178**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Jose Alvarez, (360) 397-2375, ext. 4898.
Travis Goddard, (360) 397-2375, ext. 4180.

Responsible Official: Michael V. Butts

DECISION

Based upon the proposed plan (identified as Exhibit 1) and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction/Site Plan Review Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380 and the following conditions of approval.
- A-2 Excavation and Grading** - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.
- A-2 Health Department Review** - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.
- A-3 Fire Marshal Requirements:**
- a. Fire Flow: Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from GIS indicates that the required fire flow is not available within 1000 feet of the property line. Fire hydrants will not be required. Alternative construction methods shall be used to meet fire flow, this may include 30 foot setbacks and a class "A" or better rated roof (see Fire Protection Finding # 3)
 - b. Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (see Fire Protection Finding # 4)
 - c. Fire Apparatus Turnarounds: - Private driveways shall meet the requirements of the Clark County Road Standard. All new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus and at intervals five hundred (500) feet or less, such that no portion of the road or driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (see Fire Protection Finding # 5)

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control** - Erosion control facilities shall **not** be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 Fire Marshal Requirements:

- a. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding # 4)
- b. Private driveways shall meet the requirements of the Clark County Road Standard. All new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus and at intervals five hundred (500) feet or less, such that no portion of the road or driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (see Fire Protection Finding #5)

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1** The applicant shall dedicate sufficient right-of-way to obtain a minimum half-width right-of-way of 30 feet along the entire frontage with NW 51st Avenue. (See Transportation Finding # 3)
- D-2** The joint driveway serving Lots 2 & 3 shall be constructed to the point where it accesses Lot 3 prior to final plat. This driveway shall be a minimum 12 feet wide all-weather driving surface with an overhead clearance of 13 feet 6 inches. This driveway must be paved from the edge of NW 51st Avenue to the right-of-way or to 20 feet from the edge, whichever is greater. There shall also be approved

turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. A culvert may be required under the proposed joint driveway adjacent to NW 51st Avenue. The applicant shall submit documentation, signed and stamped by an engineer licensed in the State of Washington, indicating that either a culvert is not required, or sizing calculations for the culvert. The culvert must be sized to provide ultimate buildout of the upstream area in compliance with CCC 40.380.060(C)(2)(i)(6)(d) and pass the 100 year storm per CCC 40.380.040(C)(3)(a). If a culvert is necessary, it must be installed with the construction of the driveway. In addition, culvert will be required at the creek crossing. This culvert must be sized as described above. (See Transportation Findings # 6 & 7 and Stormwater and Erosion Control Finding # 3)

- D-3** The joint driveway shall be in a minimum 20-foot wide easement. This easement shall be expanded as necessary to include the entire required turnout. (See Transportation Finding # 8)
- D-4** The shed near the north line shall be removed or moved out of the 20-foot wide joint driveway easement. (See Transportation Finding # 9 and Land Use Finding #2)
- D-5** The applicant shall submit documentation, signed and stamped by an engineer licensed in the State of Washington, indicating that sufficient vegetation has been removed, and the available sight distance on NW 51st Avenue from the proposed driveway location is 410 feet to the north and 475 feet to the south. (See Transportation Finding # 14)
- D-6** The applicant shall show a Building Setback line on the final plat. This line shall be dimensioned with bearings and distances, and shall be located a minimum of 48 feet from the surveyed top of bank. (See Geologic Hazard Area Finding # 2)
- D-7 Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:
 - a. Critical Aquifer Recharge Areas** - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
 - b. Erosion Control** - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-8 Plat Notes - The following notes shall be placed on the final plat:

- a. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services."
- b. Driveways: "Lot 1 shall not be permitted to utilize the proposed joint driveway serving Lot 2 & 3 for access. This lot shall be permitted access to NW 51st Avenue via the existing driveway only." (See Transportation Finding # 4)
- c. Driveways: "Only Lots 2 & 3 of this plat may utilize the proposed joint driveway to access NW 51st Avenue." (See Transportation Finding # 5)
- d. Driveways: "An approved turnaround shall be constructed at the end of the joint driveway in Lot 3." (See Transportation Finding # 7)
- e. Geologic Hazard: "No building, grading or any other development is permitted east of the Building Setback line." (See Geologic Hazard Area Finding # 2)
- f. Mobile Homes: "Mobile homes are permitted on all lots subject to the requirements of CCC 40.260.130."
- g. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."
- h. Archaeological (all plats): "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- i. Impact Fees: "In accordance with CCC 40.610, except for 1 lot designated on the final plat as waived, the School Impact Fees for each lot in this subdivision are: \$ 3,132 (Ridgefield School District). The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for

following said expiration date shall be recalculated using the then-current regulations and fees schedule.”

D-9 Health Department Signature Requirement – If the use of wells and/or septic systems are proposed, the Health Department must sign the final plat.

D-10 On-Site Water Wells and Sewage System Requirements - For on-site water wells and sewage system, the following requirements shall be completed:

- a. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
- b. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
- c. Each on-site sewage system shall be on the same lot it serves;
- d. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
- e. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
- f. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- g. A copy of the County approved final drainage plan shall be submitted for review; and,
- h. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.
- i. The small public water supply (SPWS) must be approved to serve each of the proposed parcels or new wells must be drilled so that each lot has a well with a satisfactory water availability verification evaluation. (See Water & Sewer Service Finding 2)
- j. The drainfield currently serving the mobile home on proposed lot 1 and located on proposed lot 3 will have to be replaced by an approved system located on the proposed lot 1. (See Water & Sewer Service Finding 4)

D-11 Fire Marshal Requirements:

- a. Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (Fire Protection Finding 4)
- b. Private driveways shall meet the requirements of the Clark County Road Standard. All new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus and at intervals five hundred (500) feet or less, such that no portion of the road or driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (Fire Protection Finding 5)

- D-12 Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.
- D-13 Habitat** - The applicant shall clearly show building envelopes on the face of the final plat that are outside of the riparian HCZ on the site. Any revisions to the proposed building envelopes will require additional review. (See Critical Areas Finding # 3)
- D-14** Evidence shall be submitted demonstrating resolution regarding ownership of the narrow strip of land between established fence lines and actual property lines along the north and east boundaries and the driveway and fence encroachment on the south portion of the site. (See Land Use Finding 1)
- D-15** The shed on proposed lot 1 in its current location is in the easement and either needs to be removed or relocated. (See Land Use Finding 2)

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
- a. \$3,132 per dwelling for School Impact Fees (Ridgefield School District.)
If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.
- E-2 Fire Marshal Requirements:**
- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding # 2)

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Engineering Requirements:**
Transportation:
- a. An approved turnaround shall be constructed at the end of the joint driveway in Lot 3. (See Transportation Finding # 7)

G	Development Review Timelines
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Review & Approval Authority: None - Advisory to Applicant
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G-1 Land Division - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on May 19, 2006. Therefore any appeal must be received in this office by 4:30 PM, October 6, 2006.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$1,021**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

Attachments:

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street**

P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>